

## H28. CHANGING A TENANCY - MUTUAL EXCHANGE

Content:	Illawarra Aboriginal Corporation Policies and Procedures
Version:	2.0
Section:	Housing
Applies To:	Board, Management and Staff of all IAC Services
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### Background and Purpose

The IAC's Housing policies articulate our aims, goals and philosophies in providing housing services for Aboriginal tenants and their families. They explain how the Illawarra Aboriginal Corporation works with its staff and other agencies to ensure that our tenants are afforded the best and most appropriate services and that we meet all of the requirements of the Aboriginal Housing Office and the Office of Community Housing.

### Mutual exchange

A mutual exchange is where one IAC tenant exchanges properties with another IAC tenant. It provides a way for tenants to move to a location they prefer, or to obtain more suitable accommodation. The IAC may instigate the process of mutual exchange or the process may be instigated by one or both of the tenants seeking mutual exchange.

*The IAC will only approve a mutual exchange if:*

- all tenancy accounts are up to date, and
- the number of bedrooms is appropriate to the size of the household, and
- any damage to the current dwelling is fixed before moving, and
- the income of both tenants does not exceed the income eligibility limits for social housing (this condition may be waived if the exchange is related to a medical condition or disability that means the current housing is unsuitable), and
- there are no unresolved substantiated nuisance and annoyance complaints against either tenant, and
- the tenant agrees to accept the relevant type and length of lease when they move

### Mutual exchange (cont)

*The IAC will generally not approve a mutual exchange application if:*

- one of the properties is part of a proposed redevelopment site or likely to be sold
- a property would be under-occupied by more than one bedroom, or severely overcrowded
- extensive modifications have been made to a dwelling to meet the needs of the tenant
- there is evidence of a financial or other incentive offered to one applicant by the other applicant, the applicant's associates or any other person that seeks to influence the decision of the other applicant
- there is evidence of coercion or duress on one or both of the applicants
- one or both of the properties have been identified by the IAC as suitable for a tenancy change due to management or other reasons

### What happens when the IAC approves a mutual exchange?

Tenants must sign a new tenancy agreement for the new home. They sign at the same time, preferably in the same office. Tenants are responsible for arranging keys and for paying their own removal and relocation costs.

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### COMPLIANCE

*This policy complies with:*

- NSW Housing Act 2001
- NSW Residential Tenancies Act 2010

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### REFERENCES

*This policy should be read with:*

- **Housing NSW** "Changing a Tenancy Policy"
- **National Regulatory Code** - 1. Tenant and housing services